

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

April 26, 2010

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **April 26, 2010**, at 7:16 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Mrs. Nicole Scott Ewing, County Attorney; Mr. Joshua A. Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis: "The first order of business is the approval of minutes. I am going to ask for a motion on the Public Hearing Minutes of March 22nd for Bills Number 10-01 and 10-02, and the Regular Council Minutes of March 22, 2010. Do I have a motion?"

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

Chairman Daniel Davis: "I'm going to delay the Regular Council Minutes of February 22nd. Once again, there were some issues there that, after listening to the tape of the minutes, I find some discrepancies with the written minutes, and so, I'm going to ask that an independent party, like a Court Stenographer, review those, and see if we can straighten out those issues. So, we'll bring those up at a later date."

PUBLIC DISCUSSION

Chairman Daniel Davis: "At this time, as we do at every Regular Meeting, we have an opportunity for Public Discussion. These are for items that are on the agenda for final action, and we ask that you state your name and address for the record, and we ask that you limit your comments to three minutes. So, at this time, if we have anyone who would like to – I have a couple of names – Kevin Condon?"

Mrs. Nicole Scott Ewing, County Attorney: "Mr. Chairman, while Mr. Condon is coming up, just to clarify, it's for any item that's on the agenda..."

Chairman Daniel Davis: "Any agenda item, right."

Mrs. Ewing: "...not just final action."

Mr. Kevin Condon: "My name is Kevin Condon. I live at 412 Terrier Road, in Foxborough. I come before you tonight, Mr. Chairman, to read into the minutes a resolution from the Berkeley County Republican Party Executive Committee. It's a resolution expressing the desire of the Berkeley County Republican Executive Committee to increase transparency with regard to Berkeley County revenues and expenditures, whereas, transparency in government is necessary to identify County spending and where County taxpayer dollars are going."

Chairman Daniel Davis: "Mr. Condon, I'm sorry. It's limited to items that are on the agenda, and I..."

Council Member Callanan: "To see a budget? Wouldn't that have to be tied into the budget next year, if we're gonna actually have to pay for it?"

Chairman Daniel Davis: "...it is related to the budget, but it is not an item on the agenda. I'm sorry. I just don't want to broaden that scope and have problems later on, but it is not an item on the agenda. We do have that resolution. Every Member of Council received it, and I think that's what Mr. Davis referred to earlier, so we're all very aware of it, but I do have – and you are welcome to address Council at the end of the meeting, and read the resolution. That's no problem, but at this particular time, it is restricted to items that are on the agenda."

Mr. Condon: "Thank you, Mr. Chairman."

Chairman Daniel Davis: "You're welcome. Thank you."

Chairman Daniel Davis: "Mr. Truman Metts?"

Mr. Truman Metts: "Good evening, Council. My name is George Truman Metts. I live at 512 Division Street in Moncks Corner, South Carolina 29461. I too have a resolution to read about the property tax, which was on the agenda. A resolution expressing..."

Chairman Daniel Davis: "Metts, I'm sorry, that resolution is not – it was not on the agenda. That also was not on the agenda."

Mr. Metts: “I just sat and listened a good while to discussions about the 29 percent.”

Chairman Daniel Davis: “And, it was brought up by a Councilman, but as far as an item on the agenda – and once again, there’s no problem with you reading it, if you would read it at the end of the meeting. That would be your opportunity to do that, but it was not an item on the agenda.”

Mr. Metts: “Ok; thank you.”

Chairman Daniel Davis: “Anyone else that has an item – that would like to address Council on items on the agenda. I’m sorry for that confusion. At the end of the meeting, anyone will have an opportunity to discuss anything they would like to whatsoever, but at the beginning of the meeting, these are restricted to just agenda items.”

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

Chairman Daniel Davis: “Ok, with that, we’ll move on. At this time, I’d like to call on Kace Smith to give us an update. I want to discuss for a minute during my time a little bit about our existing financial situation, and I have a recommendation I’d like to make.”

Council Member Callanan: “See that?”

Ms. Kace Smith, Finance Director: “Shortly, you will be given some information that Nicole is passing out to you. I did a projection of where I’m estimating the County finances, the General Fund to be at June 30, 2010, and I just wanted to review those with you. Supervisor Davis asked me to look at this. Looking at our revenues, we have had some significant shortfalls this year. As you all know, we’ve been cut by the state. That was notified to us back in October after we passed the budget. We’ve had some other revenues that have come in a little bit stronger. So, we anticipated that our revenues are really gonna be about flat. We’re going to – if things go as progressed, as they are now progressing, our actual revenues will equal about our budgeted revenues. Our personnel – we do have some actual figures that will be under the budget. That has a lot to do with some of the action you all have taken with our hiring freezes. We’ve had many departments that have been short-staffed throughout the year. We have budgeted some positions. As you know, we budgeted some open positions. We’ve had some folks that have left that we’ve frozen positions. You all also made some changes to the funding of health insurance for employees. So, we’re anticipating a savings in that, really, of about \$581,000. You see that both in the personnel budget and also in the amount of transfer-outs, because we do have some of our Special Revenue Funds that we transfer money from the General Fund. I can assure you that those savings of \$581,000 are all related to personnel. I was very conservative with these projections. As you will note, I didn’t show any savings in Operating at all. I’m sure, we’re going to have some savings in Operating, but I was ultra-

conservative in budgeting that line item. So, overall, we look to be about \$617,000 to the better at the end of this fiscal year.”

Chairman Daniel Davis: “And, Ms. Smith, as you said, those are primarily in personnel savings, correct?”

Ms. Smith: “That is correct.”

Chairman Daniel Davis: “And, based on that, you know, I want to remind Council that, as Kace said, she is very conservative with our budget, and it is a balanced budget this year. Despite that, we feel like, that we are gonna end the year in very good shape. One of the things that we talked to employees about was when we initiated the furlough days two years ago, and of course, you remember, that employees have not had cost-of-living increases or merit increases for two years, and they’ve had to observe the furlough days both years. And so, with these personnel savings, I’d like to make a recommendation that we reimburse the employees this year. And, I want to state that this is not a promise that we will not have to look at furlough days next year, because we are still under some difficult financial times, but I did promise the employees, we would try as best we could to take out those furlough days, and so I’d like to make a recommendation that we reimburse the employees for those three furlough days this year...”

Council Member Pinckney: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Call, Mr. Pinckney.”

Council Member Pinckney: “I make a motion that we reimburse the employees for those three days, because they have done a magnificent job and made a lot of sacrifices. And, if we’re in a position to show our appreciation, I make that motion.”

Council Member Schurlknight: “And, I’ll second that.”

Chairman Daniel Davis: “I have a second by Mr. Schurlknight. Any discussion?”

Council Member Steve Davis: “Mr. Chairman, I just want to say, I want to give you a hand clap too, Mr. Supervisor, because I think under your leadership and directive, you have created this atmosphere with employees – felt that they could perform their duties with your representation and reliance that you would be a man to your word. And, I commend you the way the services – they’re haven’t been any shortage of services to the citizens of Berkeley County, and you’ve done it in a manner under some very tough economic situations. And, you know what, I wish that we could join the Attorney General in his effort where he talks about mandates coming from Washington, DC that are unfunded, because we have mandates that come from the state capital in Columbia, and we got Home Rule, and we’re bombarded a lot of times on a local level that we have to make the tough decisions. So, we can share in the mindset sometime of our current Attorney General, Mr. Henry McMaster, who says he gets things from Washington, DC with no funds to follow it. Well, we get things from Bobby Harrell and the Republican Party and their leadership in Columbia with no funds provided. And then, it’s left for the citizens on this local level, where representatives, such as yourself, have to make amends, and try to provide the

services that are necessary to the citizens of Berkeley County. And, I want to commend you, and I join in and support this reimbursement.”

Council Member Callanan: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “Other than the obvious that there’s a primary in June, why wasn’t this on the agenda?”

Chairman Daniel Davis: “Because we have just finished working on these figures. As a matter-of-fact, they are hot off the press. We’ve been pursuing this for quite some time. It has nothing to do with the primary. We’re not trying to politicize our employees...”

[laughter]

Chairman Daniel Davis: “This is a promise...”

Council Member Callanan: “Ok.”

Chairman Daniel Davis: “...that we made to them, and it’s a promise that we’re going to observe.”

Council Member Fish: “Good try, Council.”

Council Member Call: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Call.”

Council Member Call: “I too would like to commend the employees, and lament the fact that we had a court order from the Chief Justice of South Carolina that elected officials could not participate in the furlough days, which was regrettable. It wasn’t as regrettable on our part, because it wasn’t much money, but it did affect some of the higher paid elected and appointed officials. I’ve not heard one single complaint from one single employee about the furlough days, and I think, with the funds coming in, as Ms. Smith has just advised us, the right place to put it is to the people that do the work of Berkeley County. And, they did it without complaining. My hat’s off to them, and I want them to know that I appreciate it from my heart. I really appreciate that they have accepted it, and now, we are able to give it back to them.”

Chairman Daniel Davis: “Alright, thank you, Mr. Call. Anyone else? Any other discussion?”

There was no further discussion.

The motion made by Council Member Pinckney and seconded by Council Member Schurlknight to reimburse Berkeley County employees for three (3) furlough days was passed by unanimous voice vote of Council.

Chairman Daniel Davis: "In speak of politicizing..."

Council Member Callanan: "Objection."

Chairman Daniel Davis: "...Mr. Callanan..."

Council Member Callanan: "Objection; this is not on the agenda, again."

Chairman Daniel Davis: "This is my time. I have – I have the opportunity to say anything I wish under my time on the agenda. But, the 29 percent in the discussions of the Capital Improvement Fund are very much, have very much been made a part of the political process. And, when the Berkeley County Republican Party Executive Committee passed the resolution, it did create quite a stir with the folks who are included in the assessment district, because, as I think you later found out that money is obligated, and that money was voted on by this Council. For those members in the audience, while some are saying that they did not support that 29 percent, it was voted on 41 times by Members of this Council to approve that \$10,000,000 for the assessment district. And, quite honestly, that was a good idea. So, I agree with the decision to use that money for the assessment district, and I want to point out the benefits of the creation of that assessment district and what that has caused. But, I just want to point out that now we are cherry-picking. We're saying that it's not fair to use that money or we shouldn't use that money or any of it, but now, we're saying, well, because we voted on it, we should use it. So, if that's not politicizing it, I don't know what is. But, at this time, I'd like to ask Neil Robinson to come forward. It's very important that people understand the importance of this \$10,000,000 pledge to the assessment district and what that means, not only to the clients that he represents, but everyone that's in that assessment district. Neil, would you just..."

Mr. Neil Robinson, Attorney for Nexsen Pruet, LLC: "I will be the first to concede that I'm not on the agenda, but thank you for the opportunity to address Council, Mr. Davis. You know, the \$10,000,000 allocation by the County was their part of a public/private joint venture that was designed to remedy a really bad situation that existed at the Jedburg Road interchange, mile marker 194, which is already in a failing condition due to the current residential uses that have been growing by leaps and bounds over the past decade or so. With the approval of the various development agreements that has led to a distribution corridor, if you will, on both sides of I-26, between the 199 and 194, to make those improvements in order to serve that was really a necessity. And, this Council, this very Council, rose to the occasion and over a period of about a year and a half, met and discussed and understood the issues involved and voted unanimously, I think, as you referred to, on many occasions to make the approvals in order to do the resolutions and the development agreements and the things that led to that. So, maintaining that commitment is vital to the integrity of the hard work that went into creating this distribution district. So, my hat is off to every Member of this Council for taking that action. And, should it prove that some change is going to be made to the allocation of the sales tax, that 29 percent increment, I would hope that the \$500,000 annual commitment that the County has executed in

order to repay the State Infrastructure Bank will be kept in place. I didn't hear a specific reference in Mr. Fish's motion that the \$500,000 be for that purpose, but we certainly would hope that if that's passed by Council that that would be made abundantly clear. The only other thing I would add is simply that a – you know, I deal in counties all over the state with economic development issues, and it's rare that we find a situation where a county has a pot of money that it can utilize for projects like this district. To that end, I mean, it's allowed you to do some things and do it in a timely fashion that couldn't otherwise be accomplished. So, I'd think very hard about, you know, not utilizing money before you really look at what it's being used for and why each piece of that may be important to the County. Times change, and needs change, and this Council has done an admiral job of addressing the needs of the County at every turn that I've been involved with. I urge you to stay the course and continue doing that, and, I think, this Council will prosper. I thank you for the opportunity to address you, and I'd be happy to answer any questions..."

Council Member Callanan: "Mr. Chairman?"

Mr. Robinson: "...any of you have."

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "Our conversation that we had earlier this week – and, as long as the \$500,000 that I seconded in that motion from the Finance Committee specifically for the Jedburg interchange."

Mr. Robinson: "Correct."

Council Member Callanan: "So, that is our commitment. It's \$500,000 a year."

Mr. Robinson: "For the interchange."

Council Member Callanan: "Now, if that is clarified so that it is earmarked specifically for the Jedburg interchange, I assume that that would meet your..."

Mr. Robinson: "That meets..."

Council Member Callanan: "Requirements satisfactory."

Mr. Robinson: "...the needs of my clients..."

Council Member Callanan: "Right."

Mr. Robinson: "...the members of..."

Council Member Callanan: "So..."

Mr. Robinson: "...the assessment district."

Council Member Callanan: "I mean is there some objection or you – I mean, is it just generally no opinion on whether that the remainder of the money, let's say, 2.7 million dollars go back to the taxpayers."

Mr. Robinson: "I couldn't tell you what that money's being used for. I have no opinion on what that..."

Council Member Callanan: "Ok."

Mr. Robinson: "...should or could be used for."

Council Member Callanan: "But, as long as the \$500,000 is going – we're matching our commitment. That is your main concern, correct."

Mr. Robinson: "That's correct; sure."

Council Member Callanan: "Ok; thank you."

Mr. Robinson: "Sure."

Council Member Steve Davis: "Mr. Chairman?"

Council Member Fish: "Motion meant for?"

Chairman Daniel Davis: "Mr. Davis."

Council Member Steve Davis: "You know, I read your letter, but more importantly, I like your forthrightness in what you brought before this Council in telling them to be very mindful of trying to deliberate or remove a source of money in these very difficult times, not knowing what tomorrow holds in relationship to budget issues, specifically, as money or the dryness of money coming from Columbia, South Carolina, in reference to issues that address the citizenry of Berkeley County. Now, Mr. Robinson, I thank you for your words. I think also that this Council far removed from the political process of politics, specifically, have endeavored to do what's in the best interest of all the citizenry of Berkeley County. Now, what I'm concerned about more so, Mr. Callanan, is that..."

Council Callanan: "In reference?"

Council Member Steve Davis: "...to equal protection – when you want to set aside nine, five hundred thousand dollars, specifically, just for this special tax district, but I want to share there's some other depressed areas of Berkeley County that probably needs an allocation of this money too. So, you don't have an application of equal protection in reference to these taxpayers' dollars. Now, if you want to start divvying it up in portions – and I'm just telling this Council to be very leary of that, is when they start to wanna make specific allocations of this money, because this money belongs to all taxpayers. It's not just one group of taxpayers that it has to be

lodged, specifically, in the Jedburg Area. So, when you start wanna pigeon-hole, and want to cherry-pick the area you want, there are other taxpayers that have some concerns and can read into this position. What makes this area more unique and more deserving of the taxpayers money being used in that area, because I come from a part of the area where my kids and the kids in my area don't even have a slide to slide on in reference to recreation. I just had to get that off my chest. Thank you very much."

[laughter]

Council Member Schurlknight: "Amen."

Chairman Daniel Davis: "Thank you, Mr. Davis. Anyone else have any questions for Mr. Robinson."

There were no further questions.

Mr. Robinson: "Thank you, Mr. Davis."

Chairman Daniel Davis: "Thank you, Mr. Robinson."

Chairman Daniel Davis: "I do just want to – so everyone's aware of this – you know, there are a number of other projects that, at least in terms of my budget, I would be proposing. There were other projects that might be the recipient or would be the recipient of some of these funds, the needs that we have, and it kind of follows on what Mr. Davis was saying. For example, the DHEC building that we have, the old hospital building. That building is slated by virtue of our Community Facilities Plan to be renovated and converted to a judicial center. We are buying property this year for our Health and Human Services Campus. That's where the new Health Department would go, once we purchase the property for that. We need new DSS Buildings to fix some needs there. And, this money was also slated to go to St. Stephen to build a Library and some other facilities there. So, it is programmed to meet needs all over the County, but again, that's in the budget that I propose. What Council does with it after that is of their choosing. But, I do want to mention one thing that Mr. Robinson said about this money. The unique thing about our ability in this Jedburg Assessment District was we were able to tap into that money, approve it, without selling a bond or going through any extended financing. We were able to commit those dollars, and get that project up and running very quickly, and that is one of the advantages. We don't know, but that there may be another project down the road that could be, you know, a very good economic development project, and we may decide that that is our number one priority, and we want to put funds to it. So, it does have its advantages and could be a benefit to the County."

THIRD READING

"BILL NO. 10-03, AN ORDINANCE TO ADD AND AMEND CERTAIN SECTIONS OF ORDINANCE NO. 04-11-68, ADOPTED NOVEMBER 23, 2004, WHICH AMENDED ORDINANCE NO. 01-08-35, ADOPTED AUGUST 27, 2001, AND ORDINANCE NO. 02-08-

33, ADOPTED AUGUST 26, 2002, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, 'BERKELEY COUNTY ZONING ORDINANCE'."

It was moved by Council Member Farley and seconded by Council Member Steve Davis to approve Bill No. 10-03 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-04-04 is attached to these minutes.)

"BILL NO. 10-04, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #122-00-03-145."
(Michelle Cooper for Lois Dangerfield)

It was moved by Council Member Farley and seconded by Council Member Schurlknight to approve Bill No. 10-04 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-04-05 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

"BILL NO. 10-05, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #221-00-00-137, #221-00-00-062, #221-00-00-083, #221-00-00-092, #221-00-00-087, #221-00-00-089, #221-00-00-145, #221-16-01-019, #221-16-01-020, #221-16-01-022 AND #221-16-01-038."
(MeadWestvaco)

It was moved by Council Member Cathy Davis and seconded by Council Member Fish to approve Bill No. 10-05 for Second Reading. The motion passed by unanimous voice vote of Council.

"BILL NO. 10-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #051-00-00-010."
(Wash & Lizzie Johnson)

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve Bill No. 10-06 for Second Reading. The motion passed by unanimous voice vote of Council.

"BILL NO. 10-07, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #196-00-00-037."

(Ashley Surveying for Coleman Dangerfield)

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to approve **Bill No. 10-07** for **Second Reading**. The motion passed by unanimous voice vote of Council.

“BILL NO. 10-08, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #087-00-04-059.”

(Lewis Mills)

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to approve **Bill No. 10-08** for **Second Reading**. The motion passed by unanimous voice vote of Council.

“BILL NO. 10-09, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING **RATES, CHARGES AND PENALTIES FOR WATER AND SEWER SERVICE PROVIDED BY THE **BERKELEY COUNTY WATER AND SANITATION**.”**

It was moved by Council Member Fish and seconded by Council Member Pinckney to approve **Bill Number 10-09** for **Second Reading**.

Council Member Steve Davis: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Davis.”

Council Member Steve Davis: “I kind of vividly recall that we were promised that this process before the Second Reading, we would have something concrete before us to review. Mr. Colin?”

Chairman Daniel Davis: “No, not before Second Reading, but we will have, we should have your budgets, probably...”

Mr. Micah Miley, BCWS Engineering Director: “This is the Code of Ordinance to be changed.”

Chairman Daniel Davis: “Oh, I’m sorry.”

Mr. Miley: “And, you should have that as part of your package.”

Council Member Steve Davis: “I’m talking about – it says ‘rates, charges and penalties’.”

Mr. Miley: “This is for the industrial rate ordinance that was...”

Council Member Steve Davis: "Industrial rate?"

Mr. Miley: "Yes, Sir."

Council Member Steve Davis: "Ok; I withdraw that comment."

The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Daniel Davis stated there were 11 bills for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

"BILL NO. 10-10, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #210-00-00-126."
(Jeffery Moorer for Norman & Mary Laskey)

"BILL NO. 10-11, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #248-05-01-001 THRU 248-05-01-028 AND ALL COMMON POA AREAS."
(Mark Wysong)

"BILL NO. 10-12, AN ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2010-2011 (BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AND THE BERKELEY COUNTY WATER AND SANITATION SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO BERKELEY COUNTY WATER AND SANITATION AND THE BERKELEY COUNTY WATER AND SANITATION SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY BERKELEY COUNTY WATER AND SANITATION."

"BILL NO. 10-13, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-08-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, 'BERKELEY COUNTY ZONING ORDINANCE' AND AMENDING ORDINANCES NO. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, 07-07-43 AND 08-10-63, IN REGARD TO THE PROPOSED OVERLAY DISTRICT FOR PIMLICO SUBDIVISION WITH MAP."

“BILL NO. 10-14, AN ORDINANCE TO AMEND ORDINANCE NO. 09-07-36, ADOPTED JULY 27, 2009, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2009-2010 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 10-15, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 10-16, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 10-17, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 10-18, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 10-19, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 10-20, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR.”

Ms. Ewing: “Mr. Chairman, the title as amended needs to be read into the record since the Committee’s recommendation had that amendment to it.”

Chairman Daniel Davis: "Did you have that?"

Ms. Barbara Austin, Clerk of Council: "If you will simply state 'as amended'; we'll put it from the tape."

Chairman Daniel Davis: "Ok."

"BILL NO. 10-20, AN ORDINANCE,, PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY THAT WOULD NOT INCLUDE THE 29 PERCENT LOCAL OPTIONS SALES TAX OPTION, AND WOULD ONLY TAKE \$500,000 FROM THAT FUND FOR BUDGET PURPOSES FOR THE FISCAL YEAR."

RESOLUTIONS

"RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2009-2010 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET."

It was moved by Council Member Steve Davis and seconded by Council Member Callanan to approve the resolution providing for a transfer of funds in the 2009-2010 budget for Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-20 is attached to these minutes.)

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Without objection, Mr. Chairman, I omitted a couple of things in my Committee, a couple dates. If you'd allow me, I'd like to go ahead and get those out now."

Chairman Daniel Davis: "Go ahead, Mr. Schurlknight."

Council Member Schurlknight: "Council Members, our budget workshop, we scheduled it for May 17th at 6:00 (p.m.). Also, I got with Mr. Farley, and at 6:00, we'll start off with GASB 45, then, after that, we'll move right on in to the budget workshop. It will be back in the Supervisor's Office, back in the little conference room over there. Also, one other thing I wanted to mention. Going back to the resolutions, you will see two resolutions from the Executive Committee of the Republican Party. Everybody has a copy in your folder for information purposes only right now. We will address those through the budget process, and

look at the funding stuff and give it serious consideration at that time. Thank you, Mr. Chairman.”

Ms. Austin: “Council Member Schurlknight?”

Chairman Daniel Davis: Thank you, Mr. Schurlknight.”

Ms. Austin: “Would you please repeat those dates?”

Council Member Schurlknight: “It’s May 17th at 6:00. GASBY 45 is at 6:00, and then the budget workshop will be following after the GASB Workshop.”

Council Member Farley: “Kace, in the meantime, could you get all the information you can on that to the Council? Thank you.”

REPORTS FROM STANDING COMMITTEES

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier tonight. Many of the matters before the Committee have been addressed earlier on this night’s agenda.”

Trident Technical College Funding Request

Chairman Schurlknight: The Trident Technical College request was not addressed this night, but we will give it serious consideration during the budget process.”

(That concluded Chairman Schurlknight’s report.)

Committee on LAND USE

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on April 12th.”

Gateway Community Church

Chairman Farley: “Many of the matters on the agenda have been covered tonight. Reverend Dave Boyer, the Pastor of the Gateway Community Church, addressed the Committee with several concerns. Mr. Greenway, along with a couple of people, James Harrington, a General Contractor – I think he pulled the permits, and Moore Construction also was heavily involved with it. And, Eric, would you like to add anything to that, please? I’d like to thank both of those people for stepping to the plate.”

Mr. Eric Greenway, Planning & Zoning Administrator: "This was a concerted effort after the problem was brought to our attention by many people on Council and various citizens that, basically, helped us locate these names. One of our Planning Commissioners was very involved in assisting with resolution of this problem. It is an issue that we are aware of that needs to be worked on in the future, and we are going to attempt to do that as we move forward here. I will let you know, though, that any resolution to this type of problem stands a chance of impacting the revenues from a permitting standpoint if we start fooling around with valuations and how we issue permits for such projects, but we will be considering those solutions to those problems and be reporting back to you at a later date with regards to what we're recommending on those items."

Chairman Farley: "Thank you, Eric. I just wanted to allow him to say that and I think Eric has done a wonderful job helping everybody out in this matter."

(That concluded Chairman Farley's report.)

Council Member Call: "Mr. Chairman, before we go any further, I think it would be appropriate to read this letter that Mr. Greenway wrote to us to show how he was able to resolve this problem favorably for this church. It was way above and beyond the call of duty. I even offered the use of my General Contractor's license to do this. Would it be out of order to read this letter?"

Chairman Daniel Davis: "No, Sir, if you want to read it."

Council Member Call: "Well, do you have it?"

Chairman Daniel Davis: "No, I do not have it."

Council Member Call: "I'd like Mr. Steve Davis to read it. He's a good reader."

[Laughter]

Council Member Steve Davis: "You're picking at me."

Council Member Call: "He really got into reading that resolution the other day."

Council Member Schurlknight: "He puts a lot of heart into it."

Council Member Steve Davis: "Yeah; if I can find the letter, I'd be glad to read it. It ain't gonna cost you nothing neither."

[Laughter]

Council Member Schurlknight: "I'll believe that when I see it."

Council Member Call: "I'm watching the clock."

Council Member Steve Davis read the letter into the record, as follows: "Dan, I am providing an update on the situation at the Gateway Community Church. As you recall, this is the situation involving the storage buildings being permitted for use at the church's food bank and the value exceeded the allowable amount for a residential contractor to receive the permits. Through a lot of assistance of Council Members, I was able to contact a local builder who, in conjunction with the Home Builder's Association, was able to locate a General Contractor who is willing to pull the permits for the church at no additional cost beyond that of the permits. I have contacted both the General Contractor and the Pastor of the Gateway Church and have provided each others contact information, and they will talk about the logistics of applying for the permit. The Pastor was grateful that Berkeley County had gone the extra step on behalf of the church. Once the General Contractor requests the permit, Berkeley County Planning will issue the permit without delay, in order to expedite the process for the church and hopefully restore some good will between this department and the Pastor. I know a lot of people assisted with trying to resolve this situation, so I wanted to provide an update in order that everyone would know that we are apparently on our way to a suitable resolution. Eric L. Greenway, one of our very valued employees for Berkeley County Government."

[Clapping]

Council Member Call: "Thank you, Mr. Davis."

Chairman Daniel Davis: "Well read, Mr. Davis."

Council Member Steve Davis: "An elementary teacher would be very happy."

Committee on PUBLIC WORKS AND PURCHASING
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call: "Public Works and Purchasing met on April 12th and earlier tonight."

a. Solid Waste Consulting Engineer Firm

Chairman Call: "On recommendation of the Committee, I move to award the contract for Solid Waste Consulting Engineering Services to SCS Engineers. I don't have any figures. If anybody over here has figures that Council may want to ask. I'm sorry. I do not have the dollars." (*No second required.*)

Mr. Doug Tompkins, BCWS Deputy Director of Operations: "Thank you, Mr. Call. I'll be available for any questions. First of all, this is a 'no dollar', at this time, approval. It's just to move forward with a contract. We evaluated a total of five potential contractors. All of them were very close in price range. SCS was one of the lowers in many of the items, if not the lowest. More importantly, they've been in business of solid waste for a long term. They're not going to go anywhere. This is their primary business, and we're very delighted. In any

contract, any project, we'd bring before the County Council for approval prior to that.

The motion passed by unanimous voice vote of Council.

b. Solid Waste Best Value Bid – Heavy Equipment Purchases

Chairman Call: “On recommendation of the Committee, I move to award the best value contract for the purchase of a bulldozer, front-end loader, compactor and an off-road dump truck for Water & Sanitation to Blanchard Machinery Company, in the amount of \$1,912,638.00. (No second required.)”

The motion passed by majority voice vote of Council. Council Member Farley voted “Nay”.

c. Waste Industries Hauling Rates

Chairman Call: “On recommendation of the Committee, I move to approve a one-year extension in the Waste Industries hauling contract, with a review at the end of the year 2011, and an increase in the hauling rates of 47 cents per month for those without recycling, and 93 cents per month for those who do have recycling.” (No second required.)

The motion passed by unanimous voice vote of Council.

d. Central Berkeley Wastewater Plant Relocation

Chairman Call: “On recommendation of the Committee, I move to approve the relocation of the Central Berkeley Wastewater Treatment Plant Site to the Berkeley County Landfill.” (No second required.)

Chairman Daniel Davis: “Let’s have a roll call, please.”

Council Members voting “Nay”: Timothy Callanan, Cathy Davis and Dennis Fish.

Council Members voting “Aye”: Phillip Farley, Jack Schurlknight, Caldwell Pinckney and Steve Davis.

The motion passed by majority voice vote of Council.

Mr. Micah Miley, BCWS Engineering Director: “Mr. Chairman.”

Chairman Daniel Davis: “Yes, Sir, Mr. Miley.”

Mr. Miley: “Our confusing here is, I thought this was going to be for the approval of the construction bid for the project, is what was brought before Public Works and Purchasing.”

Chairman Daniel Davis: “And, is that not somewhere else on – that should have...”

Council Member Fish: “That’s on Water and Sewer.”

Council Member Schurlknight: “That’s on Water and Sewer.”

Chairman Daniel Davis: “Do we have a committee report for Water and Sewer?”

Council Member Fish: “Yep.”

Chairman Daniel Davis: “Yep. There we go – Water and Sanitation.”

Mr. Miley: “Correct.”

Council Member Callanan: “Yeah, we did that wrong, it’s...”

Mr. Miley: “Yeah, this should be...”

Council Member Callanan: “That should have been on Water and Sanitation, my report.”

Mr. Miley: “The one that was just voted on; yes, Sir.”

Council Member Callanan: “Yeah.”

Mr. Miley: “And this should be for the construction bids in the amount of \$18,744,000.00 to Seaside Utilities.”

Ms. Barbara Austin, Clerk of Council: [Inaudible]

Ms. Nicole Ewing, County Attorney: “It’s my understanding from speaking with Mr. Martin and Council Rules that the finances would go to Mr. Callanan’s Committee with just Water and Sanitation, and that the bid award would be in Public Works and Purchasing. Is that not correct?”

Mr. Tompkins: [Inaudible]

Ms. Ewing: “That’s where it was last month – or two weeks ago, so, I think.”

Council Member Callanan: “Alright.”

Ms. Ewing: "Micah, do you have a recommendation for the award of the bid?"

Mr. Miley: "Well, earlier tonight, the Public Works and Purchasing Committee approved the award of the construction contract of \$18,744,000.00 to Seaside Utilities. This is where Council will have to accept and approve the Committee's recommendation of the award."

Chairman Daniel Davis: "Mr. Call, I think you need to make that recommendation."

Chairman Call: "Yes."

Ms. Austin: "That is on Water and Sanitation."

Council Member Callanan: "No."

Ms. Austin: "It shouldn't be on this meeting."

Chairman Call: "It was in my Committee meeting tonight."

Chairman Daniel Davis: "Mr. Call, are you making that motion?"

Chairman Call: "Yes, I'm making a motion."

Chairman Daniel Davis: "Ok. We have a motion. Is there any discussion?"

There was no discussion.

Chairman Daniel Davis: "Hearing none, all those in favor, please say, 'Aye'."

Council Members Timothy Callanan and Dennis Fish: "Nay."

Chairman Daniel Davis: "That's two 'Nays', the motion carries."

Ms. Austin: "Mr. Chairman, could you address the correct language of the motion for me, please."

Chairman Daniel Davis: "I think the – let's find the Water and Sanitation – is the correct motion on the Water and Sanitation agenda?"

Mr. Colin Martin, BCWS Executive Director: "Mr. Supervisor, the issue was in the Public Works and Purchasing Committee initially and discussed earlier today. That's why Mr. Call has made the recommendation to Council as per what Mr. Miley had stated with the amount."

Chairman Daniel Davis: "Ok. Is it..."

Ms. Ewing: “So the motion would be a motion to award the bid, in the amount of \$18,744,000.00 to Seaside Utilities for the Central Berkeley Plant relocation.”

Chairman Daniel Davis: “And, Mr. Call stated that in the motion – referenced that in the motion.”

Council Member Call: “It was a pretty straight forward motion that came out of my Committee earlier tonight – I moved to approve the relocation of the Central Berkeley Wastewater Treatment Plant Site to the Berkeley County Landfill for \$18,744,000.00. That’s my motion.”

Ms. Ewing: “I believe the confusion is in that the actual relocation was approved some time ago by Council, originally, and then Mr. Davis asked for, Mr. Steve Davis, asked for the update of the report. And, that was given tonight, and in conjunction with that update of the engineer’s report, their request was to go ahead and approve the bid to Seaside Utilities. So, the relocation, technically, was approved – I don’t know the exact date. And then, it was reapproved, to a certain extent, by the award of the bid tonight to Seaside Utilities.”

Chairman Call: “So, this is the one that was gonna expire – the bid was gonna expire tomorrow – I believe, that’s what you told me.”

Chairman Daniel Davis: “Ok. So, are we in agreement that Mr. Call has now made the proper motion to award the contract to Seaside Utilities? Ok; and we’ve had the vote, and it was 6:2, I think.”

Council Member Callanan: “I don’t understand what the confusion is.”

Chairman Daniel Davis: “Madame Clerk, do we still need to wait?”

Ms. Austin: “We can do this one more time.”

Chairman Daniel Davis: “While their doing this, I just want to tell everybody, we’re having the groundbreaking very shortly. Has the date, for sure, been set, Chip, for 17A?”

Council Member Schurlknight: “May 5th.”

Chairman Daniel Davis: “May 5th, ok, at 10:00 (a.m.). This is a very exciting event for Berkeley County. It’s been long awaited to actually get that project under construction. So, we will all be meeting out there. I don’t think we’re gonna be turning any dirt, but we’re gonna be tacking up a sign and announcing that project. Anyone that wants to come, just watch the newspaper. We’ll ask the Berkeley Independent to, maybe, print a map.”

Mr. Chip Boling, Berkeley County Deputy Supervisor: [Inaudible]

Chairman Daniel Davis: "It's right at Gilliard Road, or Black Tom Road and 17A. We hope to have plenty of parking. The ceremony won't last long, but it's kind of a major event for Berkeley County, so I'd like to see a lot of folks out there."

Ms. Austin: "What he said before was correct, right?"

Council Member Callanan: "Yes."

Ms. Austin: "It was contract to Seaside Utilities, in the amount of \$18,744,000.00."

Council Member Callanan: "Correct."

Chairman Daniel Davis: "He did."

Ms. Austin: "Very good."

(That concluded Chairman Call's report.)

Committee on WATER AND SANITATION
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: "The Committee on Water and Sanitation met on April 12th and earlier this night. Many of the matters before the Committee have been addressed earlier on this night's agenda."

Central Berkeley Wastewater Treatment Plant Increase in Budget

Chairman Callanan: "On recommendation of the Committee, I move to approve an increase in the amount budgeted for the relocation of the Central Berkeley Wastewater Treatment Plant to \$18,744,000.00 – no, from \$18,744,000.00 to \$20,500,000.00, is that right?" *(No second required.)*

Mr. Miley: "Yes."

Chairman Callanan: "Ok."

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Callanan's report.)

Council Member Call: "Mr. Chairman, did you go over Mr. Davis down there?"

Chairman Daniel Davis: “No, I’ve got him next. I was shuffling my paperwork. I may have mixed them up.”

Council Member Call: “Ok.”

Chairman Daniel Davis: “But, we’re not going to forget him.”

[Laughter]

Chairman Daniel Davis: “Mr. Davis, are you ready?”

Council Member Call: “I look out for him.”

Council Member Steve Davis: “Yes, I’m ready.”

Chairman Daniel Davis: “Ok.”

Committee on JUSTICE AND PUBLIC SAFETY
Council Member, Steve C. Davis, Chairman

Chairman Steve Davis: “The Committee on Justice and Public Safety met on April 12th.”

a. Federal Fiscal Year 2011 Highway Safety Grant [\$490,480.00]

Chairman Steve Davis: “On recommendation of the Committee, I move to approve a Federal 2011 Highway Safety Grant, in the amount of \$490,480.00, which would relate to the traffic law enforcement and traffic safety education, approval by September, and may be renewed up to three years; no matching funds required.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

b. Homeland Security Grant [\$350,128.40]

Chairman Steve Davis: “On recommendation of the Committee, I move to approve a Homeland Security Grant, in an estimated amount of \$350,128.40, that would update existing equipment, a robot, etc., approved by late Fall; no matching funds required.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

c. CAREpoint Project and Memorandum of Agreement with DHEC

Chairman Steve Davis: “On recommendation of the Committee, I move to approve a Memorandum of Agreement with DHEC that will allow Berkeley County to use CAREpoint EMS Workstations.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis' report.)

Committee on PLANNING AND DEVELOPMENT
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: "No report, Mr. Chairman."

(That concluded Chairman Cathy Davis' report.)

Committee on COMMUNITY SERVICES
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: "No report, Mr. Chairman."

(That concluded Chairman Pinckney's report.)

Committee on HUMAN SERVICES
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: "Mr. Chairman, my Committee report was presented during the Finance Committee this evening."

(That concluded Chairman Fish's report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Daniel Davis: "At this time, we have an opportunity for appointments to boards and commissions. Do we have any appointments? If we do, please state them slowly."

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish."

Council Member Fish: "I'd like to appoint Linda Bouchillon to Devon Forest Special Tax District, replacing Lynn Hall."

Chairman Daniel Davis: "I think that's Linda Bouchillon, Devon Forest Special Tax District. Ok, any others?"

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "For the Planning Commission, the resignation of Mr. Tony Austin, who very ably served and was a great bit of assistance to Mr. Greenway, I believe, we've found another Civil Engineer that will be a large help with their business. His name is Mr. Jake Seranno."

Chairman Daniel Davis: "Ok, any others?"

There were no other nominations.

Chairman Daniel Davis: "Alright, hearing none, I'll entertain a motion to approve Linda Bouchillon for the Devon Forest Special Tax District, and Jake Seranno for the Planning Commission."

It was moved by Council Member Fish and seconded by Council Member Cathy Davis to approve the nominations to the Devon Forest Special Tax District and Planning Commission. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

Chairman Daniel Davis: "Again, I announce the groundbreaking at 17A."

Chairman Daniel Davis: "The **Regular Meeting of Berkeley County Council** will be held on **Monday, May 24, 2010**, in this room, immediately following Public Hearings and Committee Meetings. So, we look to see you..."

Council Member Farley: "Mr. Chairman, if you could please let the public know that the Committee Meetings will be held on Tuesday, May 11, 2010. Monday is a holiday, correct?"

Chairman Daniel Davis: "Oh, you're talking about the next meetings?"

Council Member Farley: "Yeah."

Chairman Daniel Davis: "Yes, ok."

Council Member Farley: “Committee meetings.”

Chairman Daniel Davis: “And our regular Committee meetings in two weeks, they will be held on Tuesday night, rather than the Monday night, because of the holiday.”

Council Member Fish: “What’s the holiday?”

ADJOURNMENT

It was moved by Council Member Schurlknight and seconded by Council Member Callanan to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:12 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 8:20 p.m.

Chairman Daniel Davis called Mr. Donald Bailey to the podium.

Mr. Bailey was not present.

Chairman Daniel Davis called Dr. Allen Lucas to the podium.

Mr. Allen Lucas: “Thank you, Mr. Chairman and Members of the Board. I’m here, trying to get the roads on Indigo Island approved. Indigo Island is adjacent to Eagle Landing, was part of old Yeshoe Plantation. I was a developer of Indigo Island Reserve in 2003. The island has 64 lots and provides the County a tax base of approximately \$40,000,000. It generates approximately over \$700,000 a year in property taxes. The island was a very complex property developed, secondary to its location being on the reservoir. It was designed to be environmentally friendly. The water and sewer were approved with no problems. Electrical and all utilities were approved as well. OCRM approved the construction of the bio-retention swells in November of 2004. Frank Carson did not approve the initial construction as the County Engineer. He originally started with being unhappy with the tree barriers that we had on the island. Repeatedly, one punch list was replaced by one change order after another. The homeowners started developing the lots with truckloads of fill being brought in, and the riparian buffers and the bio-retention swells were, basically, destroyed or altered on most of the lots. The City of Hanahan was of no help with the destruction of the trees or the bio-retention swells. Berkeley County also offered no help with the problem. The HOA, which took over the island in January of 2005, also did nothing to correct the destruction. OCRM never returned during the first several years. I met with Mr. Carson, the Hanahan Supervisor and the head of the HOA. I told them I didn’t have authority to go on private property without the legal power of Berkeley County, the City of Hanahan or OCRM. In regards to a bond, I signed a letter of credit for \$152,000, time went by and Mr. Carson and Ms. Ewing called the letter of credit, took the

money and where it went, I have no idea. Mr. Davis approved this. Since then, the three powers that I worked with, Mr. Davis, Frank Carson and Mrs. Ewing basically eliminated me from any involvement with repairs on the island. I have received a couple of e-mails and, maybe, two returned calls, but, basically, no responses to my communications. Mr. Davis approved \$21,000 in repairs in the Fall of 2009, and the work began around Christmas. The work was supposed to take two weeks. After one repair was completed, others would be added on by Mr. Carson. I have called the three powers, and very seldom are my calls returned. Mr. Davis, in particular, doesn't return calls, messages and doesn't use voice mail. I did have one callback from him when he told me he didn't know anything about bio-swells or riparian buffers. Mr. Carson doesn't return calls or e-mails. The two weeks of repairs, which were supposed to cost \$21,000, has now gone on for five months. At this time, I have no paperwork in regards to monies spent or work that has been ordered. Mr. Carson or Mrs. Ewing or Mr. Davis has mailed me any summary, and I feel like they have instructed Landmark, my personal opinion, to leave me out of the project that I was paying for. I have a letter from Landmark Construction, which states all work on the island was completed on April 4, 2010. That was three weeks ago. Mr. Carson has carried on a personal vendetta against me. I don't know why. In my mind, he's crossed the line of fiduciary responsibility, has been backed by Mr. Davis and Mrs. Ewing. This issue has been going on for six years. I spent about \$200,000 under Mr. Carson's endless change orders. I've only touched the surface of this issue. I have a storage box with this many notebooks of dealing with the island. I would just ask that you review Mr. Carson and Mr. Davis' actions in regards to myself and the permitting of the roads. Ask them, 'Where's the money, the billing and the change orders for the last six years.' In my opinion, public officials should help the public and not use their office to abuse people financially or otherwise. Thank you."

Council Member Call: "Mr. Chairman, I would caution the speaker about ascribing motives to our personnel, unless you know the fact that they got a vendetta out for you. I just really have to..."

Mr. Lucas: "Ok, I'm sorry."

Council Member Call: "That's my opinion. Ascribing motives is a shaky, pretty shaky thing..."

Mr. Lucas: "I said that was in my opinion."

Council Member Call: "Ok; and let me tell you as far as Mr. Carson goes. There's not a vindictive bone in his body. He's an Engineer. He gives us his engineering advice, and he's been doing it for a long time, and quite frankly, it's an affront to me, being the Chairman of the Committee that Mr. Carson works under, that somebody would ascribe motives as you have to Mr. Carson."

Mr. Lucas: "Well, I said it was my opinion, and I have gone through this for six years. In my opinion, Mr. Carson has a problem with me, and I've had no legal back-up from Berkeley County, Hanahan or the OCRM in regards to the ability to go on peoples' personal property. I went on to one guy's property, and he looked at me and said, 'who the f are you?' And, I said,

‘well, I developed the place, and we’re gonna have to redo this swell.’ He said, ‘get the f off my property, or I’m gonna shoot your f n ass’.”

Council Member Call: “Well, what’s that got to do with Mr. Carson?”

Mr. Lucas: “I didn’t have any legal ability to do anything on the island, and none was supported to me from the government.”

Chairman Daniel Davis: “I’m gonna have to go ahead, and cut this off. If you want to make some written comments, and submit additional comments...”

Mr. Lucas: “That’s it.”

Chairman Daniel Davis: “to the Council. Ok; thank you.”

Mr. Lucas: “Thank you.”

Chairman Daniel Davis: “Good night, everyone.”

Public Discussion concluded at 8:27 p.m.

S/Barbara B. Austin, CCC
Clerk of Council

May 24, 2010
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY APRIL 26, 2010**, following Public Hearings and the meetings of any scheduled Committees at **6:00 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Public Hearings: Bills Numbered: 10-01 and 10-02
Regular Council Meeting
Regular Council Meeting

March 22, 2010
March 22, 2010
February 22, 2010

PUBLIC DISCUSSION - Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 10-03, an **ordinance** to add and amend certain sections of **Ordinance No. 04-11-68**, adopted November 23, 2004, which amended Ordinance No. 01-8-35 adopted August 27, 2001, and Ordinance No. 02-8-33 adopted August 26, 2002, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance". (*Unclean Lots*)
[Recommended by Committee on Land Use]

2. Bill No. 10-04, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michelle Cooper for Lois Dangerfield**, located near 668 Broughton Road, Moncks Corner, **TMS #122-00-03-145** (40.74 acres), **from F-1, Agricultural District to PD-MU, Planned Development Mixed Use District**. Council District No. 8.

[Recommended by Committee on Land Use]

SECOND READING:

1. **Bill No. 10-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco**, located at intersection of Rose Drive, Turtle Pond Road, and U.S. Highway 17A, Summerville, **TMS #221-00-00-137, -062, -083, -092, -087, -089, -145 and #221-16-01-019, -020, -022, -038** (47.91 acres), **from R-1, Single Family Residential District; R-2, Manufactured Residential District; GC, General Commercial District; and OI, Office and Institutional District to PDMU, Planned Development-Mixed Use District.** Council District No. 4.

[Recommended by Committee on Land Use]

2. **Bill No. 10-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Wash & Lizzie Johnson**, 1727 County Line Road, Cross, **TMS #051-00-00-010** (2.40 acres), **from GC, General Commercial District to F-1, Agricultural District.** Council District No. 7.

[Recommended by Committee on Land Use]

3. **Bill No. 10-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ashley Surveying for Coleman Dangerfield**, 271 Lazy Hill Road, Moncks Corner, Portion of **TMS #196-00-00-037** (53 +/- acres), **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District.** Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 10-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lewis Mills**, 2325 North Highway 17-A, Bonneau, **TMS #087-00-04-059** (0.50 acres), **from RNC, Rural & Neighborhood Commercial District to F-1, Agricultural District.** Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 10-09**, an **ordinance** to amend the **Code of Ordinances, Berkeley County, South Carolina**, setting rates, charges and penalties for Water and Sewer Service provided by the **Berkeley County Water and Sanitation.**

[Recommended by Committee on Water and Sanitation]

FIRST READING:

1. **Bill No. 10-10**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jeffery Mooror for Norman and Mary Laskey**, located approximately 2,340 L. F. east of the intersection of South Live Oak Drive and Cypress Gardens Road, Moncks Corner, **TMS #210-00-00-126** (10.35 acres), **from GC, General Commercial District to HI, Heavy Industrial District.** Council District No. 6.

[Recommended by Committee on Lands Use]

2. **Bill No. 10-11**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mark Wysong** for multiple owners in Cainhoy Plaza "HPR", located at 2126 Cainhoy Road, Huger, **TMS #248-05-01-001 through 248-05-01-028 and all common P.O.A areas** (3.0 +/- acres), **from RNC, Rural & Neighborhood Commercial District to LI, Light Industrial District**. Council District No. 8.
[Recommended by Committee on Land Use]

3. **Bill No. 10-12**, an **ordinance** providing for the adoption of fiscal year 2010-2011 (**beginning July 1, 2010 and ending June 30, 2011**) **budgets** for the Berkeley County Water and Sanitation and the Berkeley County Water and Sanitation Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into Berkeley County Water and Sanitation and the Berkeley County Water and Sanitation Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by Berkeley County Water and Sanitation.
[Recommended by Committee on Water and Sanitation]

4. **Bill No. 10-13**, an **ordinance** to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and amending Ordinances No. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, 07-07-43, and 08-10-63 **in regard to the proposed overlay district for Pimlico Subdivision with map**.
[Recommended by Committee on Finance]

5. **Bill No. 10-14**, an **ordinance** to **amend Ordinance No. 09-07-36**, adopted July 27, 2009, to provide for Supplemental Appropriations and allocations thereof within the **2009-2010 Budget** for Berkeley County; and other matters relating thereto.
[Recommended by Committee on Finance]

6. **Bill No. 10-15**, an **ordinance** providing for the fiscal year beginning **July 1, 2010, and ending June 30, 2011**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.
[Recommended by Committee on Finance]

7. **Bill No. 10-16**, an **ordinance** providing for the fiscal year beginning **July 1, 2010, and ending June 30, 2011**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.
[Recommended by Committee on Finance]

8. **Bill No. 10-17**, an **ordinance** providing for the fiscal year beginning **July 1, 2010, and ending June 30, 2011**, for the **Sangaree Special Tax District** operational budget; and to provide

for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

9. Bill No. 10-18, an ordinance providing for the fiscal year beginning **July 1, 2010, and ending June 30, 2011**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

10. Bill No. 10-19, an ordinance providing for the fiscal year beginning **July 1, 2010, and ending June 30, 2011**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

11. Bill No. 10-20, an ordinance providing appropriations for the fiscal year beginning **July 1, 2010, and ending June 30, 2011**, for **Berkeley County**; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. RESOLUTION providing for the **Transfer of Funds** in the **2009-2010 Berkeley County Budget** for County purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
 - a.** Trident Technical College Funding request.
- 2. Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
 - a.** Gateway Community Church.
- 3. Committee on Public Works and Purchasing.**
Council Member, Mr. Robert O. Call, Jr., Chairman.
 - a.** Solid Waste Consulting Engineer Firm.
 - b.** Solid Waste Best-Value Bid Heavy Equipment Purchases.
 - c.** Waste Industries hauling rates.
 - d.** Central Berkeley Wastewater Plant Relocation.

- 4. Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
 - a. Recommendations to approve the following:
 1. Federal FY 2011 Highway Safety Grant (\$490,480.00)
 2. Homeland Security Grant (\$350,128.40)
 3. CAREpoint Project and Memorandum of Agreement with DHEC.
- 5. Committee on Water and Sanitation.**
Council Member, Mr. Timothy J. Callanan, Chairman.
 - a. Recommendation to approve:
 1. Central Berkeley Waste Water Treatment Plant increase in budget.
- 6. Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
- 7. Committee on Community Services.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
- 8. Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

CHARLESTON AREA TRANSPORTATION STUDY

LIBRARY BOARD

MENTAL HEALTH BOARD

PLANNING COMMISSION

District 3 - Mr. Jake Serrano

SPECIAL FIRE TAX DISTRICT ADVISORY COMMISSION

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE MAY 2010, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY MAY 24, 2010, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND OTHER COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

(COMMITTEE MEETINGS WILL BE HELD ON TUESDAY MAY 11, 2010)

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

April 21, 2010
S/Barbara B. Austin, CCC
Clerk of County Council